

Appln No. 10/549,985
Amdt date February 19, 2008
Reply to Office action of November 19, 2007

REMARKS/ARGUMENTS

Claims 1-39 are pending in the application.

The Abstract has been objected to. Applicants have amended the Abstract to correct and address all of the issues discussed on page 2 of the Office action that form the basis for this objection. Applicants request withdrawal of this objection.

The Specification has been objected to. Applicants have amended the specification on page 21, in the paragraph which begins on line 23, to change "the primary locking lever" to "the secondary locking lever 42". Furthermore, Applicants have amended the specification on page 11, in the paragraph that begins on line 9, to change "B" to "V." Based on the foregoing, Applicants respectfully request that the objection to the specification be withdrawn.

Claims 13,14, 17 and 37-38 have been objected to. Applicants have amended claim 13 to replace "the adjusting device" with "the locking device" and have amended claim 17 to replace "the locking device" with "the holding element." Applicants respectfully request that the objection to the claims be withdrawn

Claims 22 and 28 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended claim 22 to recite "wherein the actuating element in the unlocked state defines the holding element in the locked state." Applicants believe that this amended overcomes the rejection of claim 22. Claim 28 has been rejected for reciting that "the component part of the locking device is formed through the secondary locking element." This limitation appears in claim 27. Accordingly, Applicants have amended claim 27 to recite "wherein the component part of the locking device defines the secondary locking element." Applicants believe that this amendment overcomes the rejection of claim 27.

Claims 1-21 and 23-38 have been rejected under 35 U.S.C. 102(e) over Baumann, et al., (U.S. 6,688,697). Claim 1 recites "a control device to keep the locking device in an unlocked state so long as the head rest is shifted out from the useful position." In contrast, Baumann, et al., does not teach or suggest a control device to keep the locking device in an unlocked state so long as the head rest is shifted out from the useful position.

On page 5 of the Office action, the Examiner states that Baumann, et al., discloses "a control device (14) to keep the locking device (7)(9)(15) in an unlocked state so long as the head rest is shifted out from the useful position." Applicants submit that the locking device of Baumann, et al., moves to a locked state and remains in the locked state after the head rest is shifted out from the useful position. Furthermore, Applicants submit that device of Baumann, et al., does not have a control device to keep the locking device in an unlocked state after the shifting out of the head rest.

The Examiner refers to the latching lever 7, the release lever 9 and the spring pin 15 of Baumann, et al., as the locking device as recited in claim 1. Applicants submit, however, that the release lever 9 forms a locking device as recited in claim 1. Referring to Figs. 1a of Baumann, et al., which is reproduced below, the front part 12 of the head rest is locked by the spring rod 15 engaging a corresponding notch in the release lever 9. The release lever 9 is biased toward the locked position by a torsional spring 9S (shown in Fig. 2a). Claim 1 recites "a locking device which counteracts displacement of the head rest by the displacement device and which is releasable in a crash situation." Fig. 1a shows the front part 12 of the head rest to be in the locked position. In this position, engagement of the release lever 9 with the spring pin 9 counteracts the displacement of the front part 12 of the head rest, i.e., the front part 12 is locked. In this position, however, the spring lever 14 and the latching lever 7 are not engaged with each other, and therefore, do not counteract the displacement of the front part 12 away from the head rest as shown in Fig. 2c. Therefore, when the front part 12 of the head rest is locked, the release lever 9 forms a locking device as recited in claim 1 because engagement of the release lever 9 with the spring pin 15 counteracts the displacement of the front part 12 of the head rest toward the position shown in Fig. 2c.

When the front part 12 of the head rest is released in a crash situation, the spring lever 14 engages the latching lever 7 to prevent the front part 12 of the head rest from returning to the useful position. (*See Baumann, et al., at col. 5, lines 38-42*). However, the engagement of the spring lever 14 with the latching lever 7 does not counteract the displacement of the head rest by the displacement device as recited in claim 1. As the front part 12 of the head rest is moved

away from the head rest toward a position shown in Fig. 2c, the spring lever 14 and the latching lever 7 slide over each other and do not counteract the displacement of the front part 12 of the head rest. Accordingly, in contrast to the Examiner's assertion, in both pre-crash and post-crash situations, the latching lever 7 and the spring lever 14 are not parts of a locking device as recited in claim 1, because they do not counteract the displacement of the front part 12 of the head rest. Therefore, Applicants submit that the release lever 9 forms a locking device as recited in claim 1, and that the latching lever 7 and the spring lever 14 do not form a part of a locking device as recited in claim 1.

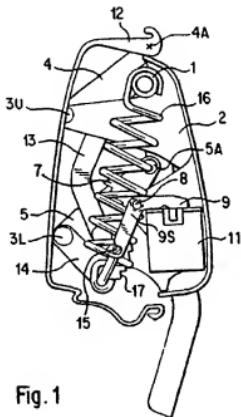


Fig. 1

Referring to Figs. 2a-2c of Baumann, et al., the triggering device 11 pivots the release lever 9 in order to release the spring pin 15, thereby unlocking the locking device of Baumann et al., to cause the front part 12 of the head rest to release as shown in Figs. 2b and 2c. However, as shown in Fig. 3c, the release lever 9 returns to the locked position shown in Fig. 1a with the

force of the spring 9S when the triggering device 11 is turned off. Applicants submit that the release lever 9 must be returned to the locked position so that the spring pin 15 can engage the notch in the release lever 9 when the front part 12 of the head rest is moved back to the useful position as shown in Fig. 3b. Therefore, in contrast to the Examiner's assertion, Baumann, et al., does not teach or suggest that the locking device is kept in an unlocked state so long as the head rest is shifted out from the useful position.

The Examiner also refers to the spring lever 14 as the control device. However, the spring lever 14 does not affect the function of the release lever 9 in locking and unlocking the front part 12 of the head rest. The function of the spring lever 14 is to engage the latching lever 7 to prevent the front part 12 of the head rest from returning to the useful position. (*See Baumann, et al., at col. 5, lines 38-42*). Therefore, Applicants submit that in contrast to the Examiner's assertion, Baumann, et al., does not teach or suggest a control device as recited in claim 1.

Because Baumann, et al., does not teach or suggest a control device to keep the locking device in an unlocked state so long as the head rest is shifted out from the useful position, Applicants believe that claim 1-5, 7-21 and 23-38 are patentable over Baumann, et al.

Applicants have amended claim 6 to place this claim in independent form by including the limitations of claim 1. Applicants believe that claim 6 is patentable over Baumann et al. for the reasons set forth above. Furthermore, Applicants believe that Baumann, et al., fails to teach or suggest "wherein the control device comprises at least one stop wherein when the locking device is unlocked the stop acts on a component part of the locking device so that the locking device is held in a state defined by the interaction of the stop with the component part."

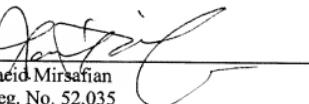
As described above, the release lever 9 of Baumann, et al., forms a locking device. Referring to Fig. 2a of Baumann, et al., the release lever 9 is shown in the unlocked position. In the unlocked position as shown in Fig. 2a, Baumann, et al., does not teach or suggest that a stop of a control device acts on the release lever 9 when the release lever 9 is unlocked so that the release lever is held in a state defined by the interaction of the stop with the release lever 9.

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Because Baumann, et al., does not teach or suggest a control device to keep the locking device in an unlocked state so long as the head rest is shifted out from the useful position, and wherein the control device comprises at least one stop wherein when the locking device is unlocked the stop acts on a component part of the locking device so that the locking device is held in a state defined by the interaction of the stop with the component part, Applicants believe that claim 6 is patentable over Baumann, et al.

Based on the foregoing, Applicants believe that claims 1-39 are now in condition for allowance.

Respectfully submitted,
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